

Message Text

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PAGE 01 PANAMA 04835 061614Z
ACTION ARA-14

INFO OCT-01 ISO-00 SS-15 SAB-02 PM-04 INR-07 L-03

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USCINCSO

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E.O. 11652: N/A

TAGS: MILI, PN, PQ

SUBJECT: GOP REQUEST TO EXTRADITE U.S. SOLDIER

REF: (A) PANAMA 3887; (B) PANAMA 4072; (C) PANAMA 4173;
(D) PANAMA 4179; (E) STATE 134923; (V) PANAMA 4229; (G) PANAMA
4279; (H) PANAMA 4454; (I) STATE 149101; (J) PANAMA 4661

1. FOLLOWING IS THE FULL TEXT OF NOTE NO. 87 DELIVERED TO THE
FOREIGN MINISTRY YESTERDAY, JULY 5, CONCERNING THE ABOVE CASE:

QUOTE EXCELLENCY:

I HAVE THE HONOR TO REFER FURTHER TO NOTE NUMBER DREU
113/1474-16/21 OF JUNE 6, 1977, SIGNED BY THE DIRECTOR OF THE
DEPARTMENT OF RELATIONS WITH THE UNITED STATES OF AMERICA, WHICH
TRANSMITTED A REQUEST, PURSUANT TO THE EXTRADITION PROCEDURES
ESTABLISHED IN 1906, THAT THE GOVERNOR OF THE CANAL ZONE ARREST
AND DELIVER ALBERTO CUEVAS TO THE AUTHORITIES OF THE REPUBLIC OF
PANAMA.

ALL ASPECTS OF THIS MATTER HAVE RECEIVED FULL AND CAREFUL CON-
SIDERATION BY THE AUTHORITIES OF THE GOVERNMENT OF THE UNITED
STATES OF AMERICA. CONSIDERING THE MUTUAL INTEREST OF OUR TWO
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GOVERNMENTS IN ENSURING THAT MR. CUEVAS IS BROUGHT TO JUSTICE ON
THE MOST SERIOUS OFFENSES WHICH HE IS ALLEGED TO HAVE COMMITTED,
I HAVE BEEN AUTHORIZED TO PROVIDE THE FOLLOWING INTERIM RESPONSE
TO THE MINISTRY'S REQUEST FOR HIS EXTRADITION.

MY GOVERNMENT FULLY RECOGNIZES THE SERIOUSNESS OF THE OFFENSE
ALLAGED TO HAVE BEEN COMMITTED BY MR. CUEVAS, A SOLDIER IN THE

ARMY OF THE UNITED STATES, IN THE REPUBLIC OF PANAMA. THERE WERE ALSO OTHER SERIOUS MILITARY CHARGES PENDING AGAINST MR. CUEVAS PRIOR TO THE OFFENSES HE IS ALLEGED TO HAVE COMMITTED IN THE REPUBLIC OF PANAMA, CHARGES ON WHICH HE WAS AWAITING TRIAL WHEN THESE FURTHER OFFENSES OCCURRED.

UNDER APPLICABLE UNITED STATES MILITARY LAW, AS CONTAINED IN THE UNITED STATES UNIFORM CODE OF MILITARY JUSTICE, MR. CUEVAS MAY BE TRIED BY A MILITARY COURT FOR THE OFFENSES OF ATTEMPTED MURDER AND KIDNAPPING, AS WELL AS FOR THE PREVIOUS OFFENSES ON WHICH TRIAL WAS PENDING AT THE TIME OF HIS FURTHER ALLEGED ACTS. I AM INFORMED THAT THE MILITARY TRIAL, WHICH MAY THUS ENCOMPASS ALL OFFENSES WHICH MR. CUEVAS IS ALLEGED TO HAVE COMMITTED, MAY BE EXPECTED ABOUT THE END OF JULY. THE TRIAL WILL BE OPEN, AND OFFICIALS OF THE REPUBLIC OF PANAMA MAY OBSERVE THE PROCEEDINGS.

THE EXTRADITION PROCEDURES ESTABLISHED IN 1906 PROVIDE THAT IF THE PERSON WHOSE ARREST AND DELIVERY IS DEMANDED IS ACCUSED OF A CRIME, TRANSGRESSION OR OFFENSE COMMITTED IN THE CANAL ZONE, HE MAY NOT BE DELIVERED TO THE AUTHORITIES OF THE REPUBLIC OF PANAMA UNTIL HIS PENDING CASE HAS BEEN RESOLVED. THIS PROVISION, WHICH IS CURRENTLY INCORPORATED AS TITLE 6, CHAPTER 237, SECTION 5083 OF THE CANAL ZONE CODE, THUS PRECLUDES ACTION ON THE PART OF THE UNITED STATES AUTHORITIES IN THE CANAL ZONE TO DELIVER MR. CUEVAS TO PANAMANIAN AUTHORITIES SO LONG AS HE REMAINS ACCUSED OF OFFENSES THERE.

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AS YOUR EXCELLENCY MAY BE AWARE, IT HAS BEEN DETERMINED THAT ALTHOUGH A MEMBER OF THE UNITED STATES ARMY, MR. CUEVAS IS NOT A CITIZEN OF THE UNITED STATES. HENCE, SHOULD THE MILITARY CHARGES AGAINST HIM IN THE CANAL ZONE BE DROPPED PRIOR TO A VERDICT IN HIS CASE, THE GOVERNMENT OF THE UNITED STATES WOULD HAVE NO FURTHER GROUNDS UNDER THE PROCEDURES ADOPTED IN 1906 TO DENY HIS EXTRADITION FROM THE CANAL ZONE IN RESPONSE TO A PROPER EXTRADITION REQUEST FROM THE GOVERNMENT OF THE REPUBLIC OF PANAMA.

THE GOVERNMENT OF THE UNITED STATES, AND PARTICULARLY THE MILITARY AUTHORITIES RESPONSIBLE FOR THIS CASE, ARE MOST GRATIFIED BY THE FULL AND EFFECTIVE COOPERATION EXTENDED BY THE AUTHORITIES OF THE REPUBLIC OF PANAMA DURING THE PRELIMINARY INVESTIGATION INTO THIS VERY SERIOUS MATTER, AND EXPRESS THE HOPE THAT THE AUTHORITIES OF THE REPUBLIC OF PANAMA WILL CONTINUE TO EXTEND THEIR COOPERATION IN LIKE MANNER TO ASSURE THAT JUSTICE IS DONE.

I HAVE REQUESTED THAT THE UNITED STATES MILITARY AUTHORITIES IN THE CANAL ZONE KEEP ME CLOSELY INFORMED OF THE PROGRESS OF THIS MATTER, AND SHALL ADVISE YOUR EXCELLENCY PROMPTLY IF THERE IS ANY

SUBSTANTIAL CHANGE IN ITS STATUS.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST
CONSIDERATION. UNQUOTE.

2. FOREGOING TEXT WAS APPROVED IN DRAFT BY PRC PRINCIPALS AT
SPECIAL MEETING FRIDAY, JULY 1, 1977.

JORDEN

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Message Attributes

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Copy: SINGLE
Sent Date: 06-Jul-1977 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Legacy Key: link1977/newtext/t19770787/aaaacyco.tel
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Litigation History:
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TAGS: MILI, PQ, US, PN, (CUEVAS, ALBERTO)
To: STATE
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